Writ Petition No. 3334 (S/S) of 2001

Bhuwan Chandra Pandey …….Petitioner.

Versus

Mr. B.S. Negi, the D.I.O.S.,
Champawat and others ……Respondents.

Hon'ble M.C. Jain, J.

Heard learned counsel for the petitioner and learned Standing counsel.

The applicant is aggrieved by transfer order dated 10.07.2001 whereby he has been transferred from Tanakpur to Manch. On pointed inquiry, it has been revealed by the learned counsel for the petitioner that the petitioner is posted at Tanakpur since 1986. According to him, the transfer order has been passed owing to the malafides of the respondent no.1 – District Inspector of schools, Champawat, as he had earlier given a notice u/s 80, C.P.C. concerning the payment of his travelling allowance.

It may be observed that a government servant holding a transferable post has no vested right to remain posted at a particular place. He is bound to be transferred form one place to another. In the present case, the petitioner has remained posted at Tanakpur for more than 15 years. Moreover, the place of transfer is located in the same district (Champawat).

So far as the alleged malafides on the part of the respondent no. 1 are concerned, suffice is to say that the same can not be accepted on the basis of casual and bald statement without firm material. Even if any notice in the past had been given by the petitioner u/s 80, C.P.C. regarding the payment of his travelling allowance, the same related to official business and there could be nothing personal with the respondent no. 1 –D.I.O.S. If a plea like the present one charging the transferring authority with malafides is accepted, then any transfer

order may be attributed due to the malafides of the transferring authority at the whims and convenience of the transferred employee.

Another argument of the learned counsel for the petitioner is that his wife is also a Teacher posted at Tanakpur and their children are studying at Tandkpur. According to him, the husband and wife should remain posted at one and the same place as per the transfer policy of the State. Suffice is to say in this regard that what has been argued by the learned counsel for the petitioner is not an absolute rule. So far as the education of his children at Tanakpur is concerned, the petitioner's wife is still posted at Tanakpur and no practical inconvenience is going to be caused. Under these circumstances, it is artificial ground to challenge the transfer order in question.

All things considered, I do not find any merit in the writ petition. It is hereby dismissed.

(M.C. Jain, J.)

Dt. 19.07.2001
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